

43

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

**My residence, post office address and citizenship are as stated below, next to my name.**

the specification of which

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Rev. 06/27/00 (D2)

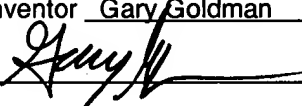
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|                    |             |   |
|--------------------|-------------|---|
| Application Number | Filing Date | Status -- patented,<br>pending, abandoned |
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I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Tom Van Zandt, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct telephone calls to Tom Van Zandt, (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Gary Goldman  
Inventor's Signature  Date 8/14/01  
Residence Los Altos, California Citizenship USA  
(City, State) (Country)  
Post Office Address 641 Casita Way  
Los Altos, California 94022

Full Name of Second/Joint Inventor Nitin Garg  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence San Jose, CA Citizenship India  
(City, State) (Country)  
Post Office Address 508 Issac Court  
San Jose, CA 95136

Full Name of Third/Joint Inventor Man Yip

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Sunnyvale, CA \_\_\_\_\_ Citizenship Britain \_\_\_\_\_  
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Full Name of Fourth/Joint Inventor Phong Bui

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Full Name of Fifth/Joint Inventor Kent Wendorf

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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(City, State) (Country)

Post Office Address 430 North Fifth Street \_\_\_\_\_  
San Jose, CA 95112 \_\_\_\_\_

## APPENDIX A

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## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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Full Name of Second/Joint Inventor Nitin Garg

Inventor's Signature  Date 14 August 2001

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Full Name of Third/Joint Inventor Man Yip

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Attorney's Docket No.: 81862.P218

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
IN-BAND MUST-SERVE INDICATION FROM SCHEDULER TO SWITCH FABRIC

the specification of which

   is attached hereto.  
  X   was filed on April 30, 2001 as  
United States Application Number 09/846,157  
or PCT International Application Number                       
and was amended on                                     .  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

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| <u>Prior Foreign Application(s)</u> |                |                             | <u>Priority Claimed</u> |           |
|-------------------------------------|----------------|-----------------------------|-------------------------|-----------|
| <u>Number</u>                       | <u>Country</u> | <u>Day/Month/Year Filed</u> | <u>Yes</u>              | <u>No</u> |
| <u>Number</u>                       | <u>Country</u> | <u>Day/Month/Year Filed</u> | <u>Yes</u>              | <u>No</u> |
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Full Name of Second/Joint Inventor Nitin Garg

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Full Name of Third/Joint Inventor Man Yip

Inventor's Signature *Man Yip* Date 07/31

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Sunnyvale, CA 94086

Full Name of Fourth/Joint Inventor Phong Bui

Inventor's Signature *Phong Bui* Date 07/31/2001

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San Jose, CA 95132

Full Name of Fifth/Joint Inventor Kent Wendorf

Inventor's Signature *Kent Wendorf* Date 07/31/2001

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## APPENDIX A

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## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.